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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,766	10/16/2001	Jonas Forssell	200-0642 GMB	9908

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/682,766	Applicant(s) Forssell
	Examiner Hilary Gutman	Art Unit 3612
		
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<p>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</p> <p>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</p> <p>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</p> <p>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</p> <p>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
Status		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____		
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-24</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-11 and 14-20</u> is/are rejected.		
7) <input checked="" type="checkbox"/> Claim(s) <u>12, 13, and 21-24</u> is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>Oct 16, 2001</u> is/are a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner. <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p>		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). <p style="margin-left: 20px;">a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 		
<p style="margin-left: 20px;">*See the attached detailed Office action for a list of the certified copies not received.</p>		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). <p style="margin-left: 20px;">a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>2 and 4</u>		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 10/16/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56© most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: number "26" as seen in Figures 3 and 4. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office

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action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. ~~Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.~~

Specification

5. The disclosure is objected to because of the following informalities:

On page 1, [0004], lines 2-3, the phrase "low counted per kg profile" is awkward and

unclear. This phrase also occurs throughout the specification (page 2, [0008]) and should be modified in all instances for clarity.

✓ On page 2, [0011], lines 1, 2, and 4, the language referring to claims, specifically, "according to claim 1", "according to claim 11", and "given by the depending claims" is inappropriate language for the specification since the claims and claim numbers may change throughout prosecution of this application.

✓ On page 3, [0019], line 2, "bye" should be "by" and "a man" should be "one". In addition, paragraph [0023], line 2, the comma after "strength" should be deleted.

✓ On page 5, [0037], line 2, the sentence "The invention mainly comprises..." is awkward and unclear and should be modified or removed from the specification.

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✓ On page 6, [0046], line 4, "verticals" and "hobbing" are unclear and should be modified.

Also at [0047], line 3, "flange 4" should apparently be "flange 3" since this is the flange which protrudes vertically downward from the metal profile (Figure 2).

Appropriate correction is required.

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

7. Claims 1, 20, 22, and 24 are objected to because of the following informalities:

In claim 1, line 5, "constituting" should be "constitute".

In claim 20, on line 2, "on a distance" should perhaps be "at a distance".

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In claim 22, on lines 1-2, “[Johan: the roof bow appear to be 25 in figure 4]” is inappropriate language for the claim and should perhaps be deleted.

In claim 24, lines 1-2, the phrase “appears to be a roof bow, not a pillar]” should perhaps be deleted.

Appropriate correction is required.

8. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. ~~Claim 20~~ is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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✓ Claim 20 recites the limitation "said second profile" in lines 1 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

✓ 12. Claims 1-10 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato.

For claims 1-10, Sato discloses a metal profile (as seen in Figure 1) for a vehicle body section, the profile comprising: at least two side walls 8b, 9b, a base plate 10b and at least two support walls 15a, 15b, wherein the at least two side walls and the base plate constitute a sectional area with at least three hollow sections 8a, 9a, wherein the base plate and the at least two support walls constitute an internal section, of the metal profile, with a substantially triangular sectional area (Figure 1), the internal triangular section having substantially three corners.

In addition Sato discloses the metal profile having at least one flange 18. The metal profile further has two flanges 18, 19, integrated with the metal profile. The flanges are placed closely to at least one corner of the internal section. The flanges are placed closely to the corners of the base plate in the internal section. The metal profile consists of an extruded profile. The metal profile is formed from one piece of a metal sheet (Column 3, lines 1-3).

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For claims 14-20, Sato discloses a body section in a vehicle comprising: a metal profile, wherein the metal profile includes at least two sidewalls 8b, 9b, a base plate 10b and at least two support walls 15a, 15b, the at least two support walls, the at least two side walls and the base plate constituting a sectional area with at least three hollow sections 8a, 9a, the base plate and the support walls constituting an internal section of the metal profile, with a substantially triangular sectional area (Figure 1).

Sato also discloses the metal profile of the body section having at least one flange 18. And further, the metal profile of the body section has two flanges 18, 19 integrated with the metal profile. A second profile 1 or 6 is attached to the metal profile in a first attachment supported by a flange of the metal profile. The second profile has at least one further attachment to the metal profile on a distance from the first attachment in a transverse direction relative the metal profile and the second profile.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato.

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Sato lacks the metal profile being hydro formed from one piece of a metal sheet.

However, it should be noted that the patentability of a product does not depend on its method of production, if the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP 2113).

Allowable Subject Matter

15. Claims 12-13 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claim 24 is objected to as containing minor informalities and as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to correct the minor informalities.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other body sections similar to that of the current invention.

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18. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

19. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 305-3597, (for formal communications intended for entry)

or:

(703) 305-0285, (for informal or draft communications, please clearly label
“PROPOSED” or “DRAFT”).

hlg

June 26, 2002

 - 7/1/02

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600